

## **Campground Regulations Workgroup Meeting Minutes January 28, 2014, 9:00 a.m.**

In mid-December 2013, the Michigan Department of Environmental Quality (DEQ) sent invitation letters to various stakeholders for the purpose of convening a Campground Regulations Workgroup (Workgroup). This was the first meeting of the Workgroup. Members attending the meeting were:

- Nancy L. Allen, DEQ, Departmental Analyst, Campground Program
- Michael L. Berrevoets, FTC&H, representing American Council of Engineering Companies of Michigan (ACEC)
- Ken Bowen, Health Officer, Ionia County Health Department, representing Michigan Association for Local Public Health (MALPH)
- Keith Cheli, Department of Natural Resources, Parks and Recreation Division (MDNR)
- David Cordray, White River Campground, representing Association of RV Parks and Campgrounds of Michigan (ARVC-MI)
- David Graves, P.E., DEQ, Environmental Engineer, Campground Program
- Richard A. Falardeau, P.E., DEQ, Chief, Environmental Health Programs Unit
- Mary Kushion, Mary Kushion Consulting
- Paul Maitre, Blue Gill Camping, representing ARVC-MI
- Eric Pessel, Environmental Health Director, Kent County Health Department, (via teleconference) representing Michigan Association of Local Environmental Health Administrators (MALEHA)
- Bill Sheffer, Director, Michigan Association of Recreation Vehicles and Campgrounds (MARVAC)
- Liane Shekter Smith, P.E. Chief, DEQ, Office of Drinking Water and Municipal Assistance
- Paul D. Sisson, P.E., DEQ, Environmental Engineer Specialist, Campground Program
- Larry Stephens, P.E., Stephens Consulting Services, PC, representing Michigan Onsite Wastewater Recycling Association (MOWRA)

### **Nominated Members Absent**

- Tom Frazier, Legislative Liaison representing Michigan Townships Association
- Jim Horan, Sunnybrook RV Resort, representing MARVAC
- Dan Stencil, Executive Officer, Oakland County Parks & Recreation, representing Michigan Recreation and Park Association

### **Invited Stakeholders Not Present**

- Good Sam Club
- Cinda Karlik, Michigan Department of Agriculture and Rural Development (MDARD)
- Larry Lehman, Michigan Department of Licensing and Regulatory Affairs (LARA)
- David Lorenz, Public & Industry Relations Manager, Michigan Economic Development Corporation (MEDC)
- Michigan Association of Fairs & Exhibitions (MAFE)
- Rick Miller, State Fire Marshall, LARA Bureau of Fire Services
- Rob Piersien, P.E., Midwest Civil Engineers, PC

- Steve Yencich, President, Michigan Lodging & Tourism Association (MLTA)

## **Introductions**

After a round of introductions, Ms. Shekter Smith and the staff showed a brief slide presentation indicating the status of the current campground (CG) Act and rules. The campground section of the Public Health Code (Act), 1978 PA 368, has not been updated since 2004 and the rules have not been updated since 2000. Both the Act and rules reflect simple transient camping, but many sectors of the industry have progressed to provide more amenities, especially in terms of more fully equipped recreational vehicles (RVs) and increased seasonal camping. Public health and safety issues related to industry progress are not fully addressed in the Act and rules. This Workgroup has been convened to recommend changes to both the Act and the rules that will better reflect current industry practices.

## **Campground Program Budget**

Ms. Shekter Smith reviewed the status of the budget for the campground program. When the CG program fee schedule was set by the Legislature in 2004, fees covered the program costs, but General Funds paid for administrative and overhead costs. General Funds also paid for administrative and overhead costs for a host of other regulatory programs as well. Since that time, General Funds have been eliminated and the overhead costs have been transferred to the programs. To maintain a sustainable CG program, it will be necessary to increase CG license fees.

Ms. Shekter Smith indicated that two DEQ District staff, each half time on the CG program were recently transferred to other programs to partially relieve the CG budget shortfall. This will help for the remainder of this fiscal year through September 2014, but program sustainability remains questionable after that. This program needs about 3.5 positions, but it is currently funded at about 1 position. With this, DEQ will need to seriously consider what the CG program must look like going forward.

Mr. Sheffer indicated that the CG industry is “on a roll” with sales of RVs increasing and the industry rebounding. The CG owners are seeing this growth and want to expand the number of sites and the amenities they offer. They need to have an intact CG program to have projects reviewed and construction permits issued on a timely basis.

New RVs are pushing the envelope in their designs. Fifth wheels are increasing in size to the maximum possible and are including more slide outs. The industry is working on a different term to describe a park model.

Mr. Cordray indicated that it is critical to maintain the CG program in the DEQ to help maintain continuity in the industry. The funding level will need to provide for the kind of program that will carry this forward.

Mr. Graves indicated that the focus has shifted very recently to funding and is deflecting attention from the issues that need to be addressed in the Act and rules. Funding will certainly determine what kind of program DEQ has, but the issues must still be addressed.

Mr. Sheffer indicated that if there is no General Fund money, we need to find a way to ensure that there is a stable DEQ CG program.

## **Program Description and Continued Funding Discussion**

Mr. Stephens asked that program staff “walk” the Workgroup through the CG program as it is now. Mr. Falardeau and other staff indicated:

- The CG program is mostly centered in Lansing
- Except for a few plans sent to the Upper Peninsula staff, all construction permits for new or expanded CGs are issued in Lansing
- Each local health department (LHD) is contracted to perform annual CG inspections
- The LHD inspections are sent to Ms. Allen in Lansing to enter into the database
- Ms. Allen makes licensing decisions based on the results of the inspection
- Ms. Allen processes and sends the annual license applications and invoices to the CGs
- Once the fees are received, Ms. Allen issues the licenses

Mr. Stephens asked if there were any duplication of efforts in the CG plan review process. Who is responsible to do what? Can efforts be streamlined more? Mr. Falardeau and other staff indicated that:

- Type II wells in CGs are permitted by the LHDs.
- DEQ staff coordinates with the LHDs to ensure that wells are located and sized correctly.
- Most LHDs issue construction permits for subsurface wastewater disposal systems with flows less than 10,000 gallons per day. If the LHD issues the permit, DEQ staff again coordinates with them to ensure the system is located and sized correctly.
- Although DEQ CG staff review plans for wastewater systems greater than 10,000 gallons per day, the DEQ District staff are responsible for surveillance.
- Conditions are placed on the DEQ construction permit that reference Type II and wastewater permits issued by the LHD.
- CG construction inspections are all coordinated with the LHD.

Mr. Stephens indicated that there is a strong comparison with the manufactured housing (MH) program. With deregulation, the MH program is now highly fragmented and lacks uniformity across the state. The MH infrastructure could be deteriorated and failing, but there is limited and non-uniform surveillance. This is a poor choice and the CG program should not go this way. A central CG program is best.

Mr. Stephens also asked about Part 41 permits for condominium CGs. The CG staff indicated that these permits are not required.

Mr. Pessel suggested utilizing technology to increase efficiency. Inspection reporting could be handled through a web based system.

Mr. Falardeau and other staff indicated that issuing a multi-year license would increase some efficiency. Mr. Sisson indicated that three-year licenses are already authorized in the Act, but annual fees still must be paid. There is no advantage or gain in efficiency to DEQ by needing to collect an annual fee. The real savings would be with collecting a three-year fee and issuing a three-year license for a third of the CGs each year.

Ms. Shekter Smith indicated that the current cost is about \$145,000 for each full time equivalent (FTE) person. The CG program should operate effectively with 3.5 FTEs.

Mr. Pessel suggested that the license fee could be based on a cost per site. Ms. Kushion agreed and indicated that this could be a base cost plus a per site fee.

Mr. Cheli indicated that this would be difficult for DNR CGs. Even though the DNR Recreation Passport is bringing in some money into their division, the camping fees are still being subsidized by other funding sources. He indicated that the DEQ CG program needs to tell our story and that something is necessary to stabilize the CG program.

Several members asked what other states do for their CG programs. We do not want to reinvent the wheel and we need to pick out the best from what other states do. Mr. Graves indicated that he had contacted seven Great Lakes states to obtain information and would compile that information and supply it to the workgroup. Mr. Cordray and Mr. Maitre would also work through the ARVC national office to see what information they have about funding and CG regulatory issues.

Mr. Stephens again called for a way to maintain a sustainable CG program and indicated that we perhaps need to explore different fee levels for CGs with different levels of services or amenities.

Ms. Shekter Smith reiterated the several comments that DEQ does not want to use the MH model for the CG program. The DEQ desires a one-stop central program in Lansing for the CG program. The DEQ will identify and refine current fees and CG program expenses to assist the workgroup in developing a new fee structure. The fee structure will depend on what the workgroup wants the CG program going forward to look like.

### **Committee Membership**

Ms. Shekter Smith asked the workgroup for suggestions for other members. Mr. Sheffer suggested the Family Motor Coach Association or Family Campers & RVers for a source of consumers in place of our invitation to Good Sam. Others mentioned the Michigan Municipal League, and the Michigan Association of Counties in addition to the Michigan Township Association. Mr. Pessel mentioned inviting other code officials, but it was pointed out that the code officials invited simply had not responded. Others mentioned a park manager, but there were no specific recommendations. Mr. Cheli indicated that he is the main conduit for the DNR for the workgroup, but he could possibly have another DNR park manager participate.

### **CG Act and Rules Issues**

Ms. Shekter Smith invited the workgroup to suggest topics that the workgroup should be discussing for inclusion in the Act or rules. As we go forward, the workgroup should make specific wording for whatever changes are made to the rules and regulations. She wrote down the list on the blackboard in the conference room. A photograph of the blackboard and a transcription of this are attached with these minutes.

Several members mentioned seasonal camping issues including how long they can stay relative to permanent residency, permanent structures, docks, decks, add-on rooms, sheds, etc.

Mr. Cheli mentioned the DNR CG hosts that stay in the campground the whole season. Mr. Sheffer indicated that private CGs are also using these facilities for "work campers."

Ms. Shelter Smith indicated that one of the goals of the workgroup would be to make sure that any existing DEQ policies and procedures are converted to rules and regulations.

Members mentioned the need to better define seasonal camping. Mr. Cordray indicated that care must be taken with definitions and requirements to ensure that existing and future campsites can be converted back and forth from seasonal to transient campsites.

Mr. Pessel mentioned the need for the rules to have maintenance and testing requirements especially for underground infrastructure. With aging sewer collection systems, without required maintenance and testing, problems are not discovered until the system has failed and perhaps affected the public health.

Mr. Cheli and Mr. Sisson discussed their recent conversations about how to account for family bathroom or unisex fixtures. It is recognized that there is a better efficiency of use of unisex fixtures such that a service building with unisex fixtures can accommodate more campsites than a male/female fixture service building with the same number of fixtures. The workgroup can explore this issue.

Several members agreed that the fixture count in the rules needs adjustment. No workgroup member could think of any time where they have witnessed campers standing in line to use toilet or lavatory fixtures. However, they have witnessed lines for showers. The rules need to have a fixture schedule that protects the public health.

Mr. Cheli asked for clarification of Rule 11 on sewage disposal which requires connection to a local government sewer system when available. When a CG has invested significantly in a wastewater collection and disposal system for the CG and it remains in good repair, can the CG be forced into connection to the municipal sewer? In most cases, this is decided by the local sewer authority.

### **Assignments and Future Workgroup Meetings**

In order to maintain momentum, Ms. Shekter Smith indicated that workgroup meetings should be no more than about 4 weeks apart. After some discussion, the workgroup decided that the goal for modifying the Act should be near or before the election in Nov 2014 with bills being introduced during the lame duck session before the end of this year. The rules can be worked on all during this time, but still with the goal of completing work by the end of 2014.

The assignments were that DEQ would:

- Contact the original invitees that did not attend this meeting
- Make additional contacts with the groups mentioned
- Contact other states about their CG programs
- Ensure that existing CG policy and procedures are up-to-date and made available to the workgroup for discussion along with informal memos etc.
- Compile a list of issues in a document that is made available to the workgroup
- Update the workgroup concerning our latest budget and fee balances for the CG program
- Provide a summary of activities and budget estimate as to what a fully staffed campground program would entail.
- Establish a website that will include all documents related to the workgroup

**Next Meeting**

Due to several workgroup member conflicts for the last week of February, the next meeting was set for Monday, March 3, 2014, at 1:00 p.m. here in Lansing. The meeting room location, teleconference phone number, and agenda will be sent to workgroup members later.

The workgroup meeting was adjourned at 12:05 p.m.

Attachment

CG Workgroup 1-28-14 Blackboard

Respectfully submitted,

Paul D. Sisson

January 30, 2014